UPDATES: THE INVASION OF UKRAINE

Freedom House

FREEDOM IN THE WORLD 2022

Indian Kashmir*

NOT FREE

27 /100

Political Rights	**7** /40
Civil Liberties	**20** /60

LAST YEAR'S SCORE & STATUS

27 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.

** Indicates a territory as opposed to an independent country.*

Note

Freedom in the World reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview

Control of Kashmir has been divided between India and Pakistan since 1948, and Indian-administered Kashmir long enjoyed substantial autonomy under India's constitution. However, the region's autonomous status was revoked in 2019, and what had been the state of Jammu and Kashmir was reconstituted as two union territories under the direct control of the Indian central government. The move stripped residents of many of their previous political rights. Civil liberties have also been curtailed to quell ongoing public opposition to the reorganization. Indian security forces are frequently accused of human rights violations, but few are punished. Separatist and jihadist militants continue to wage a protracted insurgency.

Key Developments in 2021

- Internet access and freedom of assembly remained restricted during the year in the wake of the region's 2019 political reorganization. However, 4G internet service was largely restored to the region in February.
- In October, a new wave of militant attacks against members of minority religious communities in the region, and against migrant workers, caused many to flee. Security forces responded to the surge in militant violence by briefly detaining hundreds of civilians; the increase in violence caused by both militants and security forces resulted in the deaths of at least 33 people in under three weeks.
- Indian officials signaled in June that statehood for Jammu and Kashmir—a union territory under the direct control of the central Indian government—would be restored, with elections for a new legislature to be held following the redrawing of constituency boundaries. However, no specific timetable had been announced at year's end.

TOP

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	0 / 4

Prior to 2019, the state of Jammu and Kashmir enjoyed special autonomy under Article 370 of the Indian constitution. A chief minister—typically the head of the largest party in the state legislature's lower house—was entrusted with executive power. Under the Jammu and Kashmir Reorganisation Act 2019, adopted by the Indian Parliament that August, the region's autonomous status was revoked, it was downgraded from a state to a union territory, and the Ladakh area was separated to form a second union territory. Executive authority in each now rests with a lieutenant governor appointed by the president of India on the advice of the Indian prime minister. In Jammu and Kashmir, the lieutenant governor is to be assisted by a chief minister and cabinet responsible to an elected legislature, though no such legislature had been elected by the end of 2021. Manoj Sinha, a former Indian minister belonging to India's ruling Bharatiya Janata Party (BJP), was appointed as lieutenant governor of Jammu and Kashmir in 2020. Radha Krishna Mathur, a former bureaucrat, was appointed as lieutenant governor of Ladakh in 2019 and remained in office during 2021.

The process by which Jammu and Kashmir's autonomous status and statehood were revoked drew criticism and doubts about its legality. Opponents and other observers argued that the central government had improperly delayed state elections beginning in 2018 and then hastily adopted the reorganization law with little debate.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	0 / 4

TOP

Until the passage of the Jammu and Kashmir Reorganisation Act in 2019, the region had a bicameral legislature. The lower chamber, the Legislative Assembly, was composed of 87 members directly elected for six-year terms to single-member districts. The upper chamber, called the Legislative Council, comprised 28 indirectly elected members and eight members nominated by the governor. The 2014 elections were broadly free and fair, with reduced levels of voter intimidation, harassment, and violence compared to past elections. The state legislature was dissolved by the governor in late 2018, ending attempts by local parties to form a new governing majority after the BJP's withdrawal brought down the last coalition government, but central authorities then extended direct rule and postponed new state elections through the summer of 2019, when the Reorganisation Act rendered them moot.

Under the arrangements adopted in 2019, the new union territory of Jammu and Kashmir would have a unicameral legislature with limited powers and at least 83 elected members. (As in the old assembly, another 24 seats associated with constituencies in Pakistani-controlled Kashmir would be left vacant.) In June 2021, senior Indian officials announced that elections will be held following the demarcation of 114 constituencies for Jammu and Kashmir, and that full statehood would be restored, but no specific timeline was given. Critics have accused the authorities of manipulating the delimitation process to award Jammu—a Hindu majority region—a disproportionately high number of seats. The new union territory of Ladakh will continue to be administered solely by the lieutenant governor, with no legislature of its own.

Local elections to Block Development Councils in October 2019 were extensively boycotted by local mainstream political parties. However, in elections for District Development Councils that were held in November and December 2020, an alliance of Kashmiri parties that supported regional autonomy won control of 13 of the 20 councils.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	TOP **2** / 4

The legal framework governing statewide elections prior to 2019 was broadly perceived as fair. While intimidation of election workers and electoral authorities by

militant groups sometimes interfered with the orderly implementation of electoral laws and regulations, the process was overseen by the Election Commission of India, a respected and largely independent body.

The Indian Parliament adopted the Jammu and Kashmir Reorganisation Act swiftly and without significant input from Kashmiris, fundamentally altering the electoral system and effectively stripping residents of substantial voting power.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?	**1** / 4

Until 2019, a competitive multiparty system had operated in the region. While new political parties had to register with the Election Commission, parties were generally able to form freely, and there were mechanisms by which independent candidates could stand for office. Notable impediments to normal party politics included militant violence, intimidation, and separatist boycotts.

Political activities were almost completely suspended after August 2019, as security forces detained thousands of party members and activists without charge, including the leaders of mainstream Kashmiri parties and the local branch of India's opposition Congress party. Former chief ministers and incumbent lawmakers were among those detained. In March 2021, Mirwaiz Umar Farooq, leader of the All Parties Hurriyat Conference (APHC), a prominent separatist coalition, was released from house arrest; he had been detained for 19 months following his arrest in 2019.

TOP

After the last elected chief minister, Mehbooba Mufti, was released in 2020, her People's Democratic Party (PDP) helped form the People's Alliance for Gupkar Declaration (PAGD) with several other Kashmiri parties, including its former rival, the Jammu and Kashmir National Conference (JKNC). The group hopes to restore the

region's autonomy under the Indian constitution. Its leaders were once again placed under house arrest in December 2021.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	**1** / 4

For more than a decade, state-level power had rotated between the two largest Kashmiri parties: the PDP and the JKNC. The Hindu nationalist BJP, which currently governs in New Delhi, has made significant electoral inroads in recent years; it participated in a coalition government with the PDP from 2015 to 2018.

The postponement of state elections, the 2019 reorganization of the region, and the related mass detentions effectively reduced the ability of opposition groups to compete and enter government in Jammu and Kashmir for the foreseeable future. The PAGD accused the government of curtailing its ability to campaign freely ahead of the District Development Council elections in 2020. While the alliance won those elections overall, the councils manage local development matters and have little governmental authority.

The union territory of Ladakh has a centrally appointed executive and no legislature, meaning no rotations of power through elections are possible at the territory level. Elections are still held for district-level development councils, but their powers are greatly overshadowed by those of appointed officials.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	**0** / 4

The activities of separatist militants and a heavy Indian security presence have g impaired the ability of people in certain areas to participate freely in political processes. Since August 2019, tens of thousands of additional Indian troops have been deployed to the region to quash any public expressions of opposition to the Reorganisation Act. The deployment was accompanied by reports of intimidation and

TOP

violence against civilians. Authorities detained—and subsequently released—hundreds of civilians in response to a surge in violent attacks by separatist militants in October 2021; the increase in violence caused the deaths of at least 33 people in under three weeks.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	**1** / 4

The former state constitution granted all permanent residents over 18 the right to vote in state assembly elections. While the region had a female chief minister until early 2018, women have generally been underrepresented in politics.

Prior to the 2019 reorganization, historical refugees from Pakistan, who are disproportionately Hindu, were not entitled to permanent residency rights and could not vote in state elections, though they were able to vote in Indian parliamentary elections. In 2020, such individuals were allowed to vote in the development council polls in Jammu and Kashmir for the first time.

During the campaign period for the council elections in 2020, Muslim Kashmiri candidates and their parties were allegedly disadvantaged by continued detentions, police interference, and movement restrictions, many of which were imposed for security reasons.

The 2019 reorganization left the largely Buddhist and Shiite Muslim population of Ladakh without elected government institutions at the territory level. There are still two Autonomous Hill Development Councils representing Ladakh's two districts, Leh and Kargil, but many in Kargil vocally opposed the 2019 changes.

C. Functioning of Governmen

TOP

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	**0** / 4

India has never held a referendum on allowing Kashmiri self-determination, as called for in a 1948 UN resolution. Jammu and Kashmir long enjoyed substantial autonomy under India's constitution, but since 2019 it has been ruled directly by the central government through an appointed lieutenant governor, as has the newly separated territory of Ladakh. There are legal provisions for an elected legislature in Jammu and Kashmir, although its powers will ultimately be limited, and no legislature was in place during 2021. Many laws that had been passed by the state government have been subject to repeal or amendment under the new system, and more laws passed by the Indian Parliament now apply to Jammu and Kashmir. The union territory is not permitted to formulate its own laws regarding policing and public order.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	**1** / 4

Corruption is widespread. A 2011 law established an anticorruption commission with far-reaching investigatory powers. The panel, known as the State Vigilance Commission, processed more than a thousand complaints after the first commissioners were appointed in 2013, and it filed a handful of bribery charges against public officials. However, few corruption cases result in convictions. In 2020, the commission was dissolved after the Jammu and Kashmir territorial government repealed the underlying law. In August 2021, the government tentatively began pursuing the implementation of a series of anticorruption recommendations passed by the Central Vigilance Commission.

C3 0-4 pts

Does the government operate with openness and transparency?	**1** / 4

The administration generally operates with opacity, and the changes in the administrative status of the region in 2019, coupled with severe restrictions on press freedom, have further impeded transparency. Several official agencies intended to promote transparency and good governance, including the State Information Commission, were shut down in 2019 and 2020.

TOP

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	**1** / 4

Until mid-2019, print media were thriving in Jammu and Kashmir. Online media had proliferated, providing new platforms for news and information. The announcement of the region's changed administrative status was accompanied by a severe clampdown on the activities of local and foreign journalists. The authorities continued to disrupt internet service during 2021. In January 2020, 2G internet resumed in some areas for certain websites approved by the government—a list that did not include numerous news outlets. In February 2021, 4G internet service was largely restored in the region. Additional connectivity blackouts were briefly imposed in October, making it difficult for media outlets to operate.

A new media policy introduced in June 2020 gave government officials the authority to examine and censor content for "fake news, plagiarism, and unethical or antinational activities." Journalists have faced harassment, intimidation, and arbitrary detention in connection with their work in recent years. In 2021, several journalists were summoned by security services to account for their activities; some reported being physically assaulted by police. A number of journalists who report from the region are barred from leaving India. A reporter for the magazine *Kashmir Narrator*, Asif Sultan, has been detained since 2018, reportedly for publishing work critical of the government.

D2 0-4 pts **TOP**

Are individuals free to practice and express their religious faith or nonbelief in public and private?	**2** / 4

Freedom of worship is generally respected by the authorities. However, violence between Muslims and Hindus periodically flares up, and many have been injured or killed as a result. A ban on Shiite Muslims' Muharram processions, which take place during a period of mourning at the Islamic new year, has been upheld for decades. In August 2021, dozens of Shiite Muslims were detained and assaulted by police while attempting hold Muharram processions in Srinagar.

Authorities closed some mosques for months in the wake of the 2019 revocation of autonomy. Many were shuttered again in October 2021, allegedly to help control a new COVID-19 outbreak.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	**1** / 4

Academic freedom is circumscribed. Authorities monitor the research produced at Kashmiri universities, and a combination of censorship and self-censorship discourages students and professors from pursuing sensitive topics of inquiry. Colleges, universities, and schools were shuttered for much of 2020 and 2021, both on security grounds and because of the coronavirus pandemic. A limited reopening of schools was announced in September 2021. Remote learning has been severely hampered by ongoing restrictions on internet access.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	**2** / 4

While private discussion was previously robust, fear of reprisals by government or militant forces has increased in recent years, and serves as a deterrent to uninhibited speech. The mass arrests of politicians, activists, protesters, and others after t revocation of autonomy in 2019 were apparently aimed at curbing free expression and likely had a chilling effect on the rest of the population. In March 2021, all government employees in the region were ordered to provide the details of their social media accounts, which were then "scrutinized" by police in an apparent bid to suppress dissent.

TOP

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	**0** / 4

Freedom of assembly is frequently restricted during times of unrest. The authorities often reject requests for permits for public gatherings submitted by the separatist APHC. Separatist leaders are frequently arrested prior to planned demonstrations, and violent clashes between protesters and security forces are not uncommon.

Curfews were in force in parts of the region during 2021, and lockdowns intended to stem the spread of the coronavirus further curtailed people's ability to congregate. Ongoing disruptions to phone and internet services served to prevent the planning of protests. Nevertheless, security forces clashed with protesters on multiple occasions, using tear gas and shotguns that fire metal pellets to disperse crowds. In August, citizens in Ladakh protested for full statehood for the union territory. The following month, the funeral of secessionist leader Syed Ali Shah Geelani was accompanied by harsh restrictions on free movement in an effort to curb protests.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	**1** / 4

Although local and national civil rights groups are generally permitted to operate, they are routinely harassed by security forces. The separatist APHC is technically allowed to function, but its leaders are frequently subjected to detention. In 2019, the central government imposed a five-year ban on the group Jamaat-e-Islami (Jammu and Kashmir) and arrested its top leadership, claiming that it was engaged in separatist activities.

TOP

Many of the arrests that followed the revocation of autonomy in 2019 targeted independence advocates, human rights lawyers, and other civic activists. In November

2021, security forces arrested Khurram Parvez, a Kashmiri human rights activist, under the provisions of a controversial antiterrorism law; international rights organizations condemned Parvez's arrest, citing concerns that Indian authorities are abusing antiterrorism legislation to "quash dissent."

Throughout the year, restrictions on NGO activities severely curtailed efforts by civil society groups to assist with COVID-19 relief efforts.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	**2** / 4

Although workers have the right to form unions and engage in collective bargaining under Indian law, union rights are inconsistently upheld in practice.

In September 2021, the Jammu Chamber of Commerce and Industries (JCCI) announced a day-long strike to "protest government restrictions against traders" in the region. The strike remained peaceful, and was met with widespread support from regional trade unions and opposition groups.

In November, the government finalized a new set of labor codes, which are likely to be implemented in the region in 2022. Labor leaders and trade unions criticized the new legislation, saying it was formulated without meaningful input from labor groups.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	**1** / 4

Courts in the region are politicized and typically act as an extension of Indian executive and military authority. The government and security forces frequently disregard court orders that impose constraints on their actions. In January 2020, following a long delay, the Indian Supreme Court ruled that the indefinite internet shutdown in Kashmir was unjustified and violated constitutional rights to free speech

TOP

and expression, but authorities were slow to ease the shutdown, and mobile internet access was not restored until February 2021.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	**1** / 4

Due process rights, including access to a timely trial, are hampered in part by large backlogs of cases and intermittent lawyers' strikes. The backlog increased in 2020 and 2021 due to COVID-19-related delays. Broadly written legislation, such as the unpopular Armed Forces Special Powers Act (AFSPA) and the Disturbed Areas Act, allow security forces to search homes and arrest suspects without a warrant, shoot suspects on sight, and destroy buildings believed to house militants or arms. Under the AFSPA, prosecutions of security personnel cannot proceed without the approval of the central government, which is rarely granted. Following the 2019 reorganization of the region, the central government now has the sole authority to declare an area "disturbed" under the AFSPA, which activates enhanced powers for security forces. The Public Safety Act allows detention without charge or trial for up to two years, though 2012 amendments barred the detention of minors. The law was used to jail mainstream political leaders and others in 2019 and 2020. Many such detainees were held in parts of India outside Kashmir.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	**1** / 4

After several years of relative stability, security deteriorated sharply following the 2016 killing of Burhan Muzaffar Wani, a popular separatist militant leader. The situation remained volatile in 2021. At least 274 civilians, security personnel, and militants were reportedly killed in conflict-related violence over the course of the year.

TOP

Indian security personnel have continued to engage in torture, forced disappearances, and custodial killings of suspected militants and their alleged civilian sympathizers, and they generally enjoy impunity for such abuses. In 2019, the Office of the UN High Commissioner for Human Rights (OHCHR) released a report highlighting human

rights violations in the Kashmir region over the previous year, updating a similar 2018 document; the report condemned excessive and extrajudicial violence committed by Indian security forces, and criticized the Indian government's refusal to investigate reported violations.

Militant groups have killed pro-India politicians, public employees, suspected informers, members of rival factions, soldiers, and civilians. The militants also engage in kidnapping, extortion, and other forms of intimidation. The OHCHR report detailed severe rights violations committed by active militant groups. Among other types of incidents during 2021, militants were suspected of having killed dozens of people belonging to the region's Hindu and Sikh communities in October.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	**1** / 4

A pattern of violence targeting Pandits, or Kashmiri Hindus, has forced several hundred thousand Hindus to flee their homes in the region over the years, and many continue to reside in refugee camps. Other religious and ethnic minorities, including Sikhs and Gujjars, have been targeted, with several attacks and killings reported in 2021. Women face societal discrimination. They are also subject to harassment, intimidation, and violent attacks, including rape and murder, at the hands of both the security forces and militants. LGBT+ people are generally marginalized in Kashmiri society.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	**1** / 4

Freedom of movement has been heavily curtailed by the authorities. Strict curfews were imposed in connection with the region's 2019 reorganization, and coronavirus-related lockdowns were added during 2020 and 2021, with the severity varying somewhat by location and over time. Even when curfews are not in place, internal movement is disrupted by roadblocks, checkpoints, and periodic protest-related impediments. Kashmir residents face delays of up to two years to obtain and renew passports due to heightened levels of scrutiny.

In 2020, the Indian government altered domicile legislation to make it easier for refugees and Indian nationals from outside Kashmir to establish permanent residency and obtain government jobs in the region, extending eligibility to those who had lived there for 15 years or studied there for seven years. The change would benefit many long-term residents who had lacked domicile status, but critics alleged that the government's aim was to alter the Muslim-majority territory's demographic composition. Tens of thousands of new domicile certificates have been issued. However, in October 2021, attacks on "non-locals" in the region caused the government to move thousands of migrants to safer locations and to assist some in returning to their places of origin.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	**2**/4

Property rights are undermined by displacement and military activity related to the conflict, and the regulatory environment constrains the establishment and operation of new businesses.

In 2020, the Indian government substantially altered dozens of laws governing land ownership in Jammu and Kashmir, ending long-standing restrictions on property acquisition by people who were not permanent residents of the region. Ladak is not immediately affected by those changes. The new legal framework also gave the government and the military enhanced powers to reserve and manage land for development and strategic purposes. In December 2021, the government held a real estate summit to encourage "external investment" in land in Jammu and Kashmir. The initiative was widely criticized by Kashmiri civil society groups and politicians, who

TOP

expressed concern that the new laws would disadvantage the region's Muslim majority.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	**2** / 4

Many women face domestic violence and other forms of abuse. There have been reports of women being killed in dowry disputes, and conservative social customs limit the choice of marriage partners for individuals.

Same-sex relations and same-sex marriage are both illegal in Jammu and Kashmir. In 2021, reports indicated that pandemic-related lockdowns produced a spike in domestic violence against LGBT+ individuals in the region.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	**2** / 4

Certain social groups are subject to economic marginalization, though some are also eligible to benefit from affirmative-action policies in areas such as employment and education. Child labor is reportedly prevalent in the region, and the government has taken few steps to combat it. In 2021, local NGOs reported that children were regularly lured to the region by traffickers who promised to provide them with education, but instead forced them to work as domestic servants. Militant groups have been accused of recruiting children as fighters.

On Indian Kashmir

See all data, scores & information on this country or territory.

See More ›

TOP

Country Facts

Global Freedom Score

27 /100 **Not Free**

Other Years

2021

Be the first to know what's happening.

Join the Freedom House monthly newsletter

Email

Subscribe

ADDRESS

1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

GENERAL INQUIRIES
info@freedomhouse.org

PRESS & MEDIA
press@freedomhouse.org

@2022 FreedomHouse

TOP